

*These notes refer to the Traffic Management Act 2004
(c.18) which received Royal Assent on 22 July 2004*

TRAFFIC MANAGEMENT ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Civil Enforcement of Traffic Contraventions

Background

Specific provision for Wales and for London

Section 77 and Schedule 9: Setting the level of penalty charges

206. *Section 77* provides that the level of penalty charges for traffic contraventions (including discounts or surcharges to encourage payment), charges for the removal, storage and disposal of unlawfully parked vehicles, or charges for the release from an immobilisation device shall be set in accordance with the arrangements detailed in *Schedule 9*. Part 2 of that Schedule provides for charges in London to be set by London local authorities and Transport for London and submitted to the Mayor for his approval. If Transport for London or the London local authorities fail to set the charges, or if the Mayor does not approve the levels of charges set by the London local authorities, the charges are set by the Mayor. The Schedule gives the Secretary of State a reserve power to intervene if he thinks any or all of the charges approved or set by the Mayor are excessive, and it enables him by regulations to set the level of charges. Part 3 of the Schedule provides for charges outside London to be set by each enforcement authority taking account of guidelines set out in an order made by the appropriate national authority.